

Appl. No. 09/740,410
Amdt. Dated December 8, 2004
Reply to Office action of September 9, 2004
Attorney Docket No. P14008-US1
EUS/J/P/04-3303

REMARKS/ARGUMENTS

Claim Amendments

There have been no claim amendments. Favorable reconsideration of the application is respectfully requested in view of the following remarks.

Claim Rejections – 35 U.S.C. § 103 (a)

Claims 1 and 3-19 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Kingdon *et al.* (US 5,991,620 hereinafter Kingdon) in view of Nguyen (US 5,995,848 hereinafter Nguyen). The Applicant respectfully traverses the rejection of these claims.

The emphasized portions of amended claim 1 below illustrate the basic difference between the prior art references Kingdon and Nguyen, and the present invention.

1. (Original) A method for completing a call from a calling party to a mobile station (MS) of a called party that was not previously completed because of no response by the called party, comprising:
 sending a request from the Mobile switching center/visitor location register (MSC/VLR) of the calling party to the MSC/VLR of the called party to activate a movement determination unit to monitor the mobile station of the called party; and
 responsive to the monitoring results, one of initiating a callback procedure to the called party to complete the uncompleted call if the MS has moved and canceling said callback procedure if the MS has not moved. (emphasis added)

The Applicant respectfully asserts that the emphasized limitations of amended, independent claim 1 are not taught or suggested in Kingdon or Murray.

The Kingdon reference appears to disclose a system for distinguishing between "busy for connection management due to positioning" and "busy for connection management." When a mobile terminating call arrives to the MSC/VLR for a subscriber that is marked as "busy for connection management due to positioning", the MSC/VLR can place the incoming call in a queue until the positioning measurements are taken and the subscriber being positioned is put back in idle. The object of the Kingdon

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reference is to avoid unwanted feature interactions while a mobile terminal is put into dedicated mode during positioning by placing all incoming calls in a queue until the mobile terminal becomes idle. Kingdon does not utilize the change in location of the mobile terminal to determine when to reconnect or to initiate a call.

The Nguyen reference appears to disclose a system for automatically completing calls to a busy mobile terminal. When a call is initially made to a busy mobile, an automatic callback service can be invoked. A gateway mobile switching center releases all the trunks from the calling party and notifies a service control point. The service control point periodically initiates a call attempt to the mobile terminal and when the mobile terminal is determined to be idle, the mobile terminal and the calling party is automatically connected. (Abstract) Nguyen does not utilize the change in location of the mobile terminal to reconnect or initiate a call, the effort is made when the terminal is idle, both in position and transmissions.

The present invention discloses a method, apparatus and service that determine whether a mobile terminal has moved from its location during a first attempted call to a new location. The basis for the invention is that when a calling party does not connect with a called party there may be many different reasons that the call did not "go through." One of the reasons may be that the mobile terminal subscriber is that the subscriber has left the mobile station in one location, for instance on his desk, and walked away during the first call, thus missing the call. The service and method of the present invention will effect another call to the phone when the phone is moved from the original location. This is a positive indication that the subscriber has the phone in his possession and can successfully receive a call. The movement determination unit of the present invention determines whether there is movement and signals the claimed apparatus to reconnect the calling party and the called party. The movement feature is unique to the Applicant's invention and is not found in Kingdon or Nguyen.

The distinction between Kingdon and the present invention is that Kingdon provides a system for managing interactions of the different services while a terminal is in the location mode and the Applicant's invention monitors the location of the terminal to determine if the terminal changes location. In Kingdon the messages are delayed

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until the positioning is complete. In the Applicant's invention if the terminal moves, the calling and called parties are reconnected. Furthermore, in the Applicant's invention, the location of the mobile station is known and the purpose of monitoring the movement is to initiate a callback if there is movement.

Nguyen monitors the called party and when the called party is idle connects a call. In a sense, this is the reverse of the Applicant's invention. In the Official Action, a correspondence is drawn between the claimed feature of "monitoring the called party and if the mobile station has moved initiating a callback procedure" and the description of an embodiment of the Nguyen invention found at col 7, line 59 through col 8, line 65. Applicant has reviewed this cited portion of the Nguyen reference and found no reference to monitoring movement of a mobile station. Instead, the cited portion of Nguyen discloses sending a LOCREQ Invoke message in a first attempt at connection. This LOCREQ Invoke message is utilized to determine the location of the called mobile station in an area, not to determine whether the mobile station moved from a previous location. Neither prior art reference teaches or suggests the incorporation of a movement determination unit for triggering a callback procedure.

For at least the reasons provided above with respect to claim 1 the Applicant respectfully submits that neither Kingdon or Nguyen teach the limitations of claim 1. Also, the Applicant respectfully submits that there is no suggestion or motivation in either Kingdon or Nguyen to combine the references to teach the claimed invention.

The Applicant submits that independent claims 15 and 18 contain limitations analogous to those found in claim 1. For the above given reasons the Applicant respectfully submits that claims 16 and 18 are patentable over the Kingdon and Nguyen references. Claims 16 and 17 depend from claim 15 and claim 19 depends from claim 18 and contain the same limitations. The applicant respectfully requests that the rejection of claims 1 and 3-19 be withdrawn.

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Prior Art Not Relied Upon


In paragraph 9 on page 7 of the Office Action, the Examiner stated that the prior art made of record and not relied upon is considered pertinent to the Applicant's disclosure.

CONCLUSION

In view of the foregoing remarks, the Applicant believes all of the claims currently pending in the Application to be in a condition for allowance. The Applicant, therefore, respectfully requests that the Examiner withdraw all rejections and issue a Notice of Allowance for all pending claims.

The Applicant requests a telephonic interview if the Examiner has any questions or requires any additional information that would further or expedite the prosecution of the Application.

Respectfully submitted,


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